

COPY in B53

1957

March 7

Mr. Robert J. Jewell, Secretary  
Employees' Retirement System  
State House Annex  
Concord, New Hampshire

Dear Mr. Jewell:

This is in response to your letter of February 15, 1957, requesting our opinion as to whether Gordon F. Jameson, who retired from state service on January 1, 1957, is entitled to have his retirement benefits computed on the basis of the retirement system as it existed prior to its correlation with social security, or whether his benefits must be computed under the modified plan. As you point out in your letter, Mr. Jameson initially became a member of the retirement system while an employee of the Maine-New Hampshire Interstate Bridge Authority (RSA 100:20), but subsequently, on May 7, 1956, went to work for Public Works and Highways. As of the date of his retirement his participation under the Social Security program had not been of such a period as to entitle him to benefits under O.A.S.I.

It is our opinion that you properly computed Mr. Jameson's benefits under the modified system. We understand that Mr. Jameson applied for and received a refund of excess contributions and that during the last six months of employment his contributions were on the modified basis. Although the declaration of policy contained in RSA 101:1 indicates that the legislature did not intend to impair benefits of employees covered by the retirement system, the legislation is silent as to the procedure to be followed in effectuating this policy in cases such as this.

It would seem that the only course open to Mr. Jameson is through special legislation.

Very truly yours,

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Elmer T. Bourque  
Assistant Attorney General

CONCORD, N.H.

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